

REMARKS

The present communication is in response to the Official Action mailed July 18, 2006, setting forth a Restriction Requirement in the above-identified application. In the Official Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-28, drawn a package/sensor with a front cover and a seal;
- II. Claims 29-32, drawn to a sensor with a reflector, emitter and detector, and an analyte space;
- III. Claims 33-38, drawn to a method of making a microelectronic package;
- IV. Claims 39-40, drawn to a method of making a plurality of sensors with a plurality of regions each having an emitter and a detector; and
- V. Claim 42, drawn to a sensor with an emitter, detector, and a reflector, with the reflector having a reflectivity which varies in response to an environmental condition.

In response, Applicants hereby elect the invention of Group II for prosecution in the present application. As set forth in the Official Action, Group II corresponds to claims 29-32 and 41. However, the requirement for restriction is respectfully traversed only insofar as such requirement misidentifies the claims to be included in Group II it is respectfully submitted that, in addition to claims 29-32 and 41, Group II should also include claims 25, 26, 27 and 28. Each of these claims recites a sensor having the reflector, emitter and detector. Based on the reasoning of the Official Action, each of these claims properly belongs in Group II. Applicants reserve

the right to file a divisional application corresponding to the non-elected claims.

New claims 43 and 44 have been added. Claim 43 presents features similar to those recited in original claim 28, but depends from claim 41. Claim 44 is supported by, e.g., paragraph 45 of the specification as filed (see element 176, Fig. 6 and discussion thereof).

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 18, 2006

Respectfully submitted,

By 

Marcus J. Millet

Registration No.: 28,241

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant